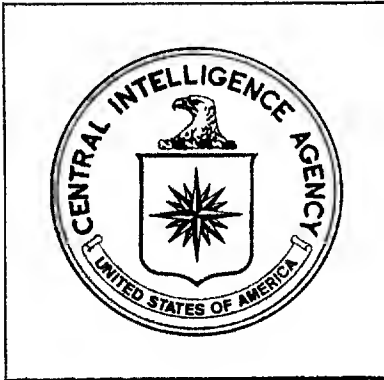


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Law of the Sea Country Study

Singapore

Secret

BGI LOS 74-11

May 1974

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Basic and Geographic Intelligence. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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SINGAPORE

Part I - Law of the Sea Analysis

A. SUMMARY

Singapore, a tiny state with jurisdiction over only 100 square nautical miles of continental shelf, has directed most of its Law of the Sea (LOS) lobbying efforts toward promoting the narrowest possible coastal state resources zones and an international deep seabed regime with jurisdiction over the greatest possible seabed area. Singapore has suggested that a coastal state resources zone of 40 nautical miles or to the 200-meter isobath (whichever is farther) will be fair to all parties. If a broad exclusive resources zone is adopted at the LOS Conference, Singapore will demand special consideration for the economic interests of geographically disadvantaged states. Singapore, along with five other disadvantaged states, submitted draft articles in Subcommittee II that proposed granting rights on an equal and non-discriminatory basis to such states for the exploration and exploitation of the living resources in an economic zone under the jurisdiction of neighboring states.



Singapore is a strong advocate of free transit through international waterways, especially as it is Southeast Asia's busiest port and its economy is reliant on continued free access to its port facilities by all ships through the Malacca-Singapore Straits. But, because Indonesia and Malaysia have demanded an innocent passage regime through the Malacca-Singapore waterway, Singapore has been circumspect in stating its straits position.

B. FACTORS INFLUENCING LOS POLICYSpecial Geographic Features

Singapore comprises a main island of 225 square miles and a sprinkling of about 40 small islands that lie to the south in the Singapore Strait. The main island is separated from West Malaysia by the narrow Johore Strait, and the two countries are linked by a 3,500-foot highway-railway causeway. The Singapore Strait--the southeastern extension of the Strait of Malacca--separates Singapore from the Indonesian-owned Riau Islands, the nearest of which is less than 5 miles away. The Malacca-Singapore

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passageway has long been a vital link in the international shipping route between the northern Indian Ocean and the Pacific.

Uses of the Sea

There has been no exploration for or exploitation of any nonliving resources from Singapore's small sector of the continental shelf, and the contribution of Singapore's domestic fisheries production to the GNP is small. Land reclamation and industrialization along Singapore's shores have had a deleterious affect on the exploitation of living resources from its territorial sea; the nearshore fish catch, never large, has declined steadily in recent years. Most of Singapore's production comes from distant-water fisheries in the South China Sea and the Indian Ocean. There has been a government effort in recent years to increase this distant-water capability. Its fishing boats have been seized in the territorial waters of Indonesia, India, and Burma. Singapore, consequently, wants a narrow exclusive fishing zone to be adopted at the LOS Conference and wants special rights granted to states with distant-water fishing interests.

Singapore port, with one of the world's largest and best natural deep-water harbors, is Southeast Asia's busiest and the most important on the shipping lanes between Europe and East Asia. The rapidly expanding port facilities include miles of docks that can accommodate the world's largest ships, Southeast Asia's only container terminal, and drydocks that can handle 230,000-ton supertankers.

Singapore's merchant fleet is of vital importance to its economy and is growing rapidly. The function of the fleet is to link Singapore with suppliers of raw materials for processing in Singapore facilities and, to a lesser extent, with the markets of its processed goods. Most Singapore-registered vessels sail no farther than ports in Malaysia or Indonesia. In April 1972, the fleet comprised 143 vessels of 1,000 gross register tons (g.r.t.) or over, totaling 763,338 g.r.t. or 1,022,918 deadweight tons (d.w.t.). Most of the ships were old, small, and slow. Eighteen more ships totaling 429,100 d.w.t.--including dry cargo, tankers, and container vessels--were on order at that time. Singapore's goal is a merchant fleet of 1.5 million d.w.t. by 1975.

The missions of the Singapore Maritime Command are to defend Singapore's territorial waters, assist in maintaining customs and maritime laws, and provide waterborne support to the Singapore Army and Air Defense Command. While its modern gunboat fleet can adequately patrol its territorial waters and provide support to the marine police in law enforcement, it could not defend against a naval attack by either Malaysia or Indonesia. The fleet is small and personnel limited. The nucleus of the fleet comprises six modern 110-foot motor gunboats and six guided-missile patrol boats.

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Political and Military Factors

Singapore is a tiny Chinese city-state sandwiched between Malaysia and Indonesia, two relatively large and potentially hostile countries. Relations between Singapore and its two neighbors were strained during the 1960's: Indonesia's policy of "confrontation," 1963-66, was aimed at the Malaysian Federation which, at that time, included Singapore; Singapore withdrew from the Federation in 1965. Relations today, while still containing an element of distrust because of the anti-Chinese bias of the governments of both Indonesia and Malaysia, are generally good. Singapore does, however, consider Malaysia to be the major outside threat to its security.

The three states have cooperated in such regional ventures as the formation of a consortium to survey the Malacca-Singapore Straits. All three countries along with Thailand and the Philippines are members of the Association of Southeast Asian Nations (ASEAN), formed in 1967. While ASEAN was originally intended to promote regional cooperation, Singapore feels that it is increasingly being used as a political forum; it wants a de-emphasis on politics and increased stress on regional economic development.

Since its independence in 1965, Singapore has followed a nonaligned foreign policy. Trade and cultural relations have been promoted with the U.S.S.R., European Communist Countries, and North Korea; by 1972, relations had been established with all of the European communist states except Albania and East Germany. Singapore, however, has no diplomatic or consular relations with either the People's Republic of China (PRC) or the Republic of China because it fears that links with either might hamper efforts to redirect domestic loyalties internally. Singapore is, nonetheless, moving slowly in the wake of its fellow ASEAN members to develop a more positive China policy. Singapore supported PRC admission into the UN but felt that U.S.-PRC rapprochement in 1972 was premature.

Great Britain ended a 150-year security role in Singapore and Malaysia in 1971, when the Anglo-Malayan Defense Agreement was permitted to lapse. Economic and cultural ties remain close, however, and Singapore is active in Commonwealth affairs. Singapore questions the effectiveness of the Five Power Defense Arrangement that replaced the British military commitment and is, consequently, beefing up its own military capability. The arrangement, signed in April 1971 by Singapore, Malaysia, Australia, New Zealand, and the United Kingdom, calls for consultation by all five powers in the event of an armed attack or externally aided insurrection and for token Commonwealth military forces to be stationed in both Malaysia and Singapore.

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Singapore-U.S. relations are generally good. Singapore supported U.S. involvement in Indochina which, it felt, diverted Communist pressure from Singapore. Singapore has expressed doubts about the Nixon Doctrine and favors a continuance of U.S. economic and strategic presence in Southeast Asia so as to prevent any power from gaining complete hegemony over the region.

Economic Factors

Singapore, the most prosperous country in Southeast Asia, is the commercial and transport hub of the region. As the region's leading entrepot port, it processes and re-exports the raw materials of neighboring countries, particularly of Indonesia and Malaysia. But Singapore's entrepot trade, although increasing in volume, has declined in importance in recent years because of the rapid expansion of its own export-oriented manufacturing industries and the increasing tendency of its neighbors to develop their own trading channels. Petroleum products are Singapore's most important export with Indonesian crude oil processed in Singapore refineries. The petroleum companies engaged in offshore exploration in Southeast Asia use Singapore as an operations base. Malaysia and Indonesia are Singapore's most important trading partners. A small amount of the trade between them goes unrecorded, particularly raw materials smuggled on small boats from Indonesia's Riau Islands.

Singapore receives only limited foreign aid, most of it in the form of technical assistance. The UN Development Program contributed about \$7 million in 1970, including technical assistance. Some \$10 million in bilateral aid was disbursed in 1970, mostly from the United Kingdom and Japan. The United States does not have a bilateral aid program with Singapore.

C. LAW OF THE SEA POLICY

Territorial Sea

Singapore claims a 3-mile territorial sea. Squeezed in by narrow straits that separate it from the territory of its neighbors on all sides, it could claim no more than 4 miles before an equidistant-line principle would apply. Despite the limitations imposed on its territorial sea by its own geography, Singapore will support a 12-mile limit at the LOS Conference.

Straits

Singapore's prosperity is dependent on continued free access to its port by all oceangoing vessels through the Malacca-Singapore passage-way. Its position on the straits issue is a delicate one. On the one

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hand, it supports a free transit regime in all straits traditionally considered to be international waterways; on the other hand, it is reluctant to openly support a free transit regime in such straits because it would contradict the straits policies of Indonesia and Malaysia, who have demanded an innocent passage regime in the Malacca-Singapore Straits.

Singapore, stressing harmony with its Straits neighbors, signed the 1971 joint statement that assigned responsibility for the safety of navigation in the Malacca-Singapore waterway exclusively to the three states. In the second part of the statement, however, Singapore simply took note of the Malaysian-Indonesian proclamation that the waterway is not an international one. Singapore has cooperated with Malaysia and Indonesia in forming a consortium with Japan to survey the Malacca-Singapore waterway and to establish a navigation improvement program, including a traffic separation scheme first proposed by IMCO in 1967. Singapore has avoided openly airing its differences with its neighbors on the straits issue and the three countries have maintained united fronts at international forums. But, while Singapore continues to speak of freedom of navigation in the straits, Indonesia and Malaysia still talk of innocent passage.

Prime Minister Lee Kuan Yew, in an August 1973 speech, said that the Indian Ocean and its entrances--Malacca, Good Hope, and Suez--should be open to all "peace-loving ships." Malacca has been an international waterway for hundreds of years. If this status is to be changed, he contended, it should be changed by international acclaim at the LOS Conference. Despite Singapore's endorsement of free transit in the Malacca-Singapore passageway, four maritime command ships and an air defense command transport aircraft followed a Soviet naval task force that transited the Singapore Strait in November 1973.

Continental Shelf

Singapore is a shelf-locked state with jurisdiction over a continental shelf sector of only about 100 square nautical miles, most of it in the Singapore Strait. Singapore, along with other landlocked and shelf-locked states, charges that the 1958 Convention on the Continental Shelf favors both developed countries and countries with broad continental shelves. They are particularly anxious to delete the exploitability clause from the convention because it favors the interests of the technologically advanced countries and, if carried to the ultimate, could mean the end of the common heritage concept. They also are concerned that, according to the Santa Domingo Declaration, states with shelves that extend farther than 200 miles from their shores could exploit the seabeds beyond 200 miles to as far as the 200-meter isobath.

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Coastal State Jurisdiction Beyond the Territorial Sea

Because Singapore fishermen fish extensively in the high seas of South and Southeast Asia, broad economic zones that would not make allowances for such geographically disadvantaged states as Singapore would be catastrophic to its fishing industry. Singapore is strongly opposed to broad economic zones, such as the proposed 200-mile exclusive resources zone, and will lobby hard for the narrowest possible zone at the LOS Conference. Singapore feels, however, that if a broad coastal state economic zone in the high seas contiguous to the territorial sea is adopted, special consideration must be given to the economic interests of the geographically disadvantaged states in the zone. Singapore has suggested several options for the accommodation of such states: 1) neighboring geographically disadvantaged states could have equal rights to exploit the living resources in the exclusive resource zone, observing all regulations of the coastal state; 2) such a zone would not be an exclusive one but, rather, one of preferential rights of the coastal state to exploit resources; 3) the zone adjacent to the territorial sea of a coastal state in one region would be considered a reserve for the exclusive use by all states in that region regardless of geographic position.

Singapore, along with Afghanistan, Austria, Belgium, Bolivia, and Nepal, sponsored Draft Articles on Resource Jurisdiction of Coastal States Beyond the Territorial Sea in Subcommittee II of the Seabed Committee on 16 July 1973. The articles attempt to reconcile and accommodate the vital needs and major interests of all states, including coastal, landlocked, disadvantaged coastal, and distant-water fishing. The articles express the right of coastal states to establish resources jurisdiction in a zone beyond their territorial sea and of geographically disadvantaged states to participate on an equal and nondiscriminatory basis in the exploration and exploitation of the living resources of an economic zone under the jurisdiction of neighboring states. Arrangements for the regulation of such exploitation should be made bilaterally. Distant-water fishing states not in the region would then be permitted to exploit that part of the maximum allowable yield of the living resources of the zone that the states primarily interested therein could not harvest. These states would have to observe regulations set by the coastal state and make appropriate payment for the right to fish.

Coastal states would contribute to the international authority out of revenues derived from exploitation of the nonliving resources of its zone. "The rate of contribution shall be...percent* of the revenues from exploitation carried out within 40 miles or the 200-meter isobath

*Percentage rates not specified in the articles.

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of the zone, whichever limit the coastal state may choose to adopt, and...percent of the revenues from exploitation carried out beyond 40 miles or the 200-meter isobath within the zone." Different percentage rates should apply to developed and lesser developed states. The International Authority would distribute the revenues on the basis of equitable sharing criteria.

Deep Seabed Authority

As a geographically disadvantaged state, Singapore is a strong advocate of the common heritage concept for seabed resources. It favors an international treaty that will allocate the greatest possible part of the seabed to an internationally administered regime so that a fair share of the revenues from its resources, especially those at depths shallow enough to be currently exploitable, are distributed to the geographically disadvantaged states--landlocked, shelf-locked, narrow-shelved, and short-coasted. Singapore feels that an exclusive coastal state zone, extending either 40 nautical miles from its base-lines or to the 200-meter isobath (whichever is farther), will leave an international area reasonably rich in immediately exploitable hydrocarbon resources.

Singapore advanced specific proposals for the administration of an international deep seabed regime in a preliminary working paper in the Seabed Committee in August 1971 (cosponsored by Afghanistan, Austria, Belgium, Hungary, Nepal, and the Netherlands) and again in a unilateral statement in Subcommittee I in March 1972. Singapore proposes that the regime comprise two organs, the Assembly and the Council. All states would be represented in the Assembly that would meet only once every 2 or 3 years. It would decide general policy and have the authority to establish ad hoc bodies. The Council would be responsible for implementing policy decided by the Assembly and for supervising administration of the deep seabed regime. It would meet regularly and, like the Assembly, have the authority to establish specialized ad hoc committees. The Council would determine procedures for the exploration, exploitation, and management of the resources under the regime's administration. Rules and regulations established by the Council would be approved by a two-thirds majority of the Assembly and be binding on all members. Membership in the Council would be designed so that all interests are adequately represented. For example, "primarily coastal states" and "primarily noncoastal states" should, according to Singapore, be equally represented and, within each category, lesser developed countries should be "adequately represented."

Singapore favors vesting the international regime with the right to explore and exploit the deep seabed directly, engage in joint enterprise, and grant licenses to states or corporations. The regime, moreover, should administer not only the mineral resources of the seabed and

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subsoil but also those living organisms belonging to sedentary species mentioned in Article 2 of the Convention on the Continental Shelf.*

Singapore feels that lesser developed nations should be granted special consideration in the allocation of the resources and technological benefits from the deep seabed regime. Allocations should be based on population and per capita income as well as on the extent of a state's offshore resources production within its jurisdiction. The last criteria would permit greater allocation of resources from the deep seabed regime to such geographically disadvantaged states as Singapore. Allocations should be reviewed every 5 years to accommodate state's economic and demographic changes.

Singapore wants internationally agreed measures to safeguard the markets of lesser developed countries with economies heavily reliant on minerals production should the rate of exploitation of the international seabed exceed that at which seabed minerals can be absorbed into the world market.

Singapore believes that, in order to bar a coastal neighbor from preventing a landlocked state from exploring or exploiting the international seabed by blocking transport from the coast, the Treaty should declare that a landlocked state has the right of transit or access through the land territory, internal waters, and territorial sea of the coastal state to the international seabed area for the purpose of exploration or exploitation. Precise arrangements between neighboring coastal and landlocked states, however, would need to be worked out bilaterally.

Singapore wants a compulsory settlement system but favors some intermediate step involving compulsory conciliation and mediation before requiring that states take disputes before a LOS tribunal.

Marine Pollution

Singapore has only a small domestic fleet fishing in its coastal waters and no tourist beaches to be fouled by oil spills. Marine pollution, therefore, has taken a low priority among the LOS issues. Malaysia and Indonesia, on the other hand, have large fishing fleets in the Malacca Strait and have voiced strong concerns about the threat of oil spills by supertankers sailing through the crowded and hazardous shipping lanes of the strait. Their efforts to bar supertankers larger than 200,000 deadweight tons from the passageway have, however, gone unheeded. Singapore does not want to impose high pollution standards on

*".....organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil."

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ships sailing through the Malacca-Singapore passageway because it could reduce the number of ships calling at its port facilities.

Singapore has made no proposals in the Seabed Committee for international mechanisms to control marine pollution. Singapore is, however, generally agreeable with the U.S. approach to marine pollution issues and supports proposals designed to develop objective standards established by an international authority.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Ambassador Shunmugam Jayakumar, Singapore's Permanent Representative to the United Nations, has been Singapore's chief LOS spokesman. He has been one of the most effective and constructive negotiators in the LOS preparatory stages, an extremely able advocate of the landlocked and shelf-locked position, and a strong influence in opposition to proposals by coastal states for broad economic zones. He is to return to the law faculty at the University of Singapore before the Caracas Conference convenes and is to be replaced at the UN by Tommy Koh*, Dean of the Law Faculty of the University of Singapore and a former ambassador to the UN. Like Jayakumar, he is well versed on LOS matters and generally well disposed to the United States.

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Name and Title (as they appear
on the latest UN listing)

Seabed Committee Session						Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
X	X	X	X	X	X	
X	X		X		X	
	X					
	X	X		X	X	X
						X
	X					
		X				

*Mr. CHAO Hick Tin
State Counsel
Attorney-General's Chambers

Mr. Michael CHEOK
Legal Officer
Ministry of Foreign Affairs

Mr. CHOU Tai Yun
Ministry of Defense

*H.E. Mr. Shunmugam JAYAKUMAR
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative to the UN

Mr. KAN Ting Chiu
State Counsel
Attorney-General's Chambers

Mr. KOH Eng Tian
Legal Officer
Attorney-General's Chambers

Mr. TAN Peng Boo
First Secretary
Permanent Mission to the UN

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Part II - Background Information

Geography

World region: Southeast Asia
Category: Island
Bordering bodies of water: Johore Strait, Singapore Strait
Bordering straits: Johore Strait (1 n. mi.), Singapore Strait (5 n. mi.)
Area of continental shelf: 100 sq. n. mi., shared with Malaysia, Indonesia
Area to 200 n. mi. limit: 100 sq. n. mi., shared with Malaysia, Indonesia
Area to edge of continental margin: 100 sq. n. mi.
Coastline: 120 mi.
Land: 225 sq. mi.
Population: 2,204,000

Industry and Trade

GNP: \$4.0 billion; \$1,802 per capita (1973)
Major industries: rubber processing and rubber products, petroleum refining, processed food and beverages, electronics, shipbuilding and ship repair, entrepot trade
Exports: \$3.6 billion (f.o.b., 1973); 60% reexports; petroleum products, processed rubber, manufactured goods
Imports: \$5.1 billion (c.i.f., 1973); 25% reexports; major retained imports - manufactured goods, petroleum, food products
Major trade partners: exports - Malaysia, Indonesia, U.S., Japan, U.K.; imports - Japan, Malaysia, U.S., U.K.
Merchant marine: 143 ships (1,000 GRT or over) totaling 763,338 GRT; 95 dry cargo, 7 bulk cargo, 12 tanker, 19 combination passenger-cargo, 2 refrigerator, 5 passenger, 2 car carrier, 1 timber carrier (April 1972)

Marine Fisheries

Catch: 14,700 metric tons (1972)
Economic importance: insignificant internationally; provides about 25% of domestic needs
Other fishing areas: Indonesia, Malaysia, India, Burma, Thailand, Khmer Republic, South Vietnam
Species: tuna, shrimp, lobster
Marine fisheries techniques: near-shore - seines, nets, traps, and stakes; distant-water - troll lines and trawl nets
Other countries fishing off coast: slight fishing by Malaysia and Indonesia

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Navy

Ships: 6 guided-missile patrol boats (2 have missiles installed; all 6 to have missiles installed by end of 1974), 6 fast patrol boats, 1 tank landing ship, 3 river/roadstead patrol boats

Government Leaders

President: Dr. Benjamin Sheares
Prime Minister: Lee Kuan Yew
Minister of Foreign Affairs: Sinnathamby Rajaratnam

Multilateral Conventions

International Convention for Safety of Life at Sea. Signed February 1969.
International Convention of Load Lines. Signed December 1971.
Nuclear Test Ban Treaty. Signed July 1964.

Bilateral Conventions

Agreement on Stipulation of Territorial Sea Boundary Lines between Indonesia and the Republic of Singapore. Signed May 12, 1973.

Multilateral Declarations

Indonesia-Malaysia-Singapore joint statement on the Safety of Navigation in the Straits of Malacca and Singapore, 16 November 1971.

Membership in Organizations Related to LOS Interests

ADB.	Asian Development Bank
ASEAN.	Association of Southeast Asian Nations
Colombo Plan	Colombo Plan for Cooperative Economic Development in South and Southeast Asia
ECAFE.	Economic Commission for Asia and the Far East
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
ICAO	International Civil Aviation Organization
IMF.	International Monetary Fund
IMCO	Inter-Governmental Maritime Consultative Organization
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
WHO.	World Health Organization
WMO.	World Meteorological Organization

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Present Ocean Claims

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1878	3 n. mi.	Territorial Waters Jurisdiction Act (U.K.)
Continental Shelf			<i>No law</i>
Exclusive Fishing		3 n. mi.	
Fisheries Conservation	1966	Within & be- yond terri- torial sea	Act No. 14, 1966, Apr 29, 1966 <i>Published May 11, 1966; operative Jan. 11, 1969</i>
Pollution	1971	Within & be- yond terri- torial sea	Prevention of Pollution of the Sea, Jan. 12, 1971 <i>Implements International Convention for the Prevention of Pollution in the Sea by Oil, 1954</i>

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Action on Significant UN Resolutions

- Moratorium Resolution In favor
(A/RES/2574 D, XXIV, 12/15/69)
Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.
- LOS Conference In favor
(A/RES/2750 C, XXV, 12/17/70)
Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.
- LOS Conference, Timing and Site Adopted w/o vote
(A/RES/3029 A, XXVII, 12/18/72)
- Indian Ocean as a Zone of Peace In favor
(A/RES/2992, XXVII, 12/15/72)
Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.
- Landlocked/Shelf-Locked Study Resolution In favor
(A/RES/3029 B, XXVII, 12/18/72)
Called for study of extent and economic significance, in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.
- Peruvian Coastal State Study Resolution In favor
(A/RES/3029 C, XXVII, 12/18/72)
Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.
- Permanent Sovereignty over Natural Resources Abstain
(A/RES/3016 XXVII, 12/18/72)
Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

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GENERAL
ASSEMBLY



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COMMITTEE ON THE PEACEFUL USES
OF THE SEA-BED AND THE OCEAN FLOOR
BEYOND THE LIMITS OF NATIONAL JURISDICTION

Dual Distribution

Preliminary working-paper submitted by Afghanistan,
Austria, Belgium, Hungary, Nepal, Netherlands and
Singapore

Introduction: The present working-paper contains suggestions with respect to a number of specific matters to be regulated, inter alia, in an International Sea-bed Convention.

I. Limits and status of the international area:

- A. The international area shall comprise all sea-bed and subsoil outside the area of the territorial sea (the maximum breadth of which is 12 miles measured from the base-line) and beyond the submarine areas adjacent to the coasts of States. For the purpose of this article submarine areas are considered to be adjacent to the coast of a particular State if
- either their depth does not exceed 200 metres,
 - or they underly a belt of sea the breadth of which is 40 miles measured from the base-line of the territorial sea, according to the choice between the two methods of delimitation to be made by that particular State at the moment of ratification. The choice shall be final and the method of delimitation chosen shall apply to the whole of the coastline of that particular State.
- B. In the international area all powers relating to the exploration and exploitation of its mineral resources are exercised either by or on behalf of the International Authority. "On behalf of the International Authority" means that (a) any State powers within the international area are based on and defined in a licence given by the International Authority and (b) are exercised under supervision of the International Authority, while (c) disputes relating to

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page 2

existence and exercise of those powers are to be settled by an impartial tribunal at the request of any member State or the International Authority.

C. Within the international area a belt of sea-bed and subsoil contiguous to the adjacent submarine area as determined in accordance with paragraph A above, and having a breadth of 40 miles measured from the outer limit of such adjacent submarine area, shall constitute the coastal State priority zone. In this zone the International Authority cannot either explore and exploit directly (see point III below) or license exploration and exploitation by a State, without consent of the coastal State.

II. Representation

Member States to be divided into two categories, Category A consists of primarily coastal States; category B of primarily non-coastal States. Each member State shall indicate at the moment of ratification to which category it belongs. In any organ of the International Authority, in which not all States members are represented (such as the Council) there should be an equal number of representatives of category A and of category B. Within each category developing countries should be adequately represented.

III. Powers of the International Authority

The Assembly may upon recommendation of the Council decide to establish a body charged with direct exploration, exploitation and marketing (including the direct licensing of a private or public enterprise, joint-ventures and service-contracts) of a specified part of the international area.

I . Facilities for landlocked States

When the Council of the International Authority licenses a landlocked State, acting alone or together with another State, to exploit a particular part of the international area it shall - in accordance with the right of free access of land-locked countries to the sea - recommend arrangements between the landlocked State and one or more other member States designed to ensure effective freedom of communication between the landlocked State and the area under licence, for the purpose of exploration, exploitation, including storage and processing and marketing of the mineral resources of that area.

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page 3

V. Special interests of developing countries

In the exercise of its powers the International Authority shall at all times take duly into account the primary purpose of promoting the development of developing countries, inter alia by (a) avoiding or compensating, where necessary, possible adverse effects of exploitation of any part of the international area on such development (2) contributing an appropriate part of its revenues to such development, and (c) furthering participation of developing countries in the activities undertaken by it or on its behalf. Sharing of benefits shall be equitable and, in principle, related to need, taking into consideration the stage of economic development of each member State.

UNITED NATIONS

GENERAL
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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

DRAFT ARTICLES ON RESOURCE JURISDICTION OF COASTAL STATES
BEYOND THE TERRITORIAL SEA

proposed by the delegations of Afghanistan, Austria,
Belgium, Bolivia, Nepal and Singapore

- (1) in the context of the discussions on the recognition of the jurisdiction of coastal States over the resources in a zone adjacent to their territorial sea, and
- (2) as a formula attempting to accommodate the vital needs and major interests of all States, which does not necessarily reflect the final views of the sponsoring delegations.

ARTICLE I

(1) Coastal States shall have the right to establish, adjacent to the territorial sea, a Zone which may not extend beyond nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) Coastal States shall have, subject to the provisions of Articles II and III, jurisdiction over the Zone and the right to explore and exploit all living and non-living resources therein.

ARTICLE II

(1) Landlocked and coastal States which cannot or do not declare a Zone pursuant to Article I (hereinafter referred to as the Disadvantaged States), as well as natural or juridical persons under their control, shall have the right to participate in the exploration and exploitation of the living resources of the Zone of neighbouring coastal States on an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational management and exploitation of the living resources of particular Zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in that Zone.

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(2) In the Zone the coastal State may annually reserve for itself and such other Disadvantaged States as may be exercising the right under the preceding paragraph, that part of the maximum allowable yield, as determined by the relevant international fisheries organization, which corresponds to the harvesting capacity and needs of these States.

(3) States other than those referred to in paragraph 1 shall have the right to exploit that part of the remaining allowable yield subject to payments, to be determined under equitable conditions, and regulations laid down by the coastal States for the exploitation of the living resources of the Zone.

(4) Disadvantaged States shall not transfer the right conferred upon them in paragraph 1 to third parties. However, this provision shall not preclude the Disadvantaged States from entering into arrangements with third parties for the purpose of enabling them to develop viable fishing industries of their own.

(5) A developed coastal State, which establishes a Zone pursuant to Article I, paragraph 1, shall contribute per cent of its revenues^{a/} derived from the exploitation of the living resources in that Zone to the International Authority. Such contributions shall be distributed by the International Authority on the basis of equitable sharing criteria.

(6) In exploiting the living resources the States referred to in paragraphs 1 and 3 of this Article shall observe the regulations and measures pertaining to management and conservation in the respective Zones.

ARTICLE III

(1) A coastal State shall make contributions to the International Authority out of the revenues^{a/} derived from exploitation of the non-living resources of its Zone in accordance with the following paragraph.

(2) The rate of contribution shall be per cent^{b/} of the revenues from exploitation carried out within forty miles or 200 metres isobath of the Zone,

^{a/} The word "revenues" shall have to be defined.

^{b/} It is understood that different rates should apply to developed and developing countries.

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whichever limit the coastal State may choose to adopt, and per cent^{b/} of the revenues from exploitation carried out beyond forty miles or 200 metres isobath within the Zone.

(3) The International Authority shall distribute these contributions on the basis of equitable sharing criteria.

ARTICLE IV

Any dispute arising from the interpretation and application of the provisions of the foregoing Articles shall be subject to the procedures for the compulsory settlement of disputes provided for in the Convention.

^{b/} It is understood that different rates should apply to developed and developing countries.

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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE

Australia, Canada, Chile, Colombia, Fiji, Indonesia, Japan, Malaysia,
New Zealand, Peru, Philippines, Singapore and Thailand: draft resolution

The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond
the Limits of National Jurisdiction,

Recalling the suggested statement of views submitted to Sub-Committee III at the
8th meeting of that Sub-Committee,*/

Further recalling the resolution on the subject of nuclear testing adopted by the
United Nations Conference on the Human Environment, as well as Principle 26 of the
Declaration on the Human Environment adopted by the same Conference,

Acting in furtherance of the principles of the partial Nuclear Test Ban Treaty,

Having noted the concern of the nations and peoples of the Pacific at, and their
opposition to, the conduct of the nuclear weapon tests in that region,

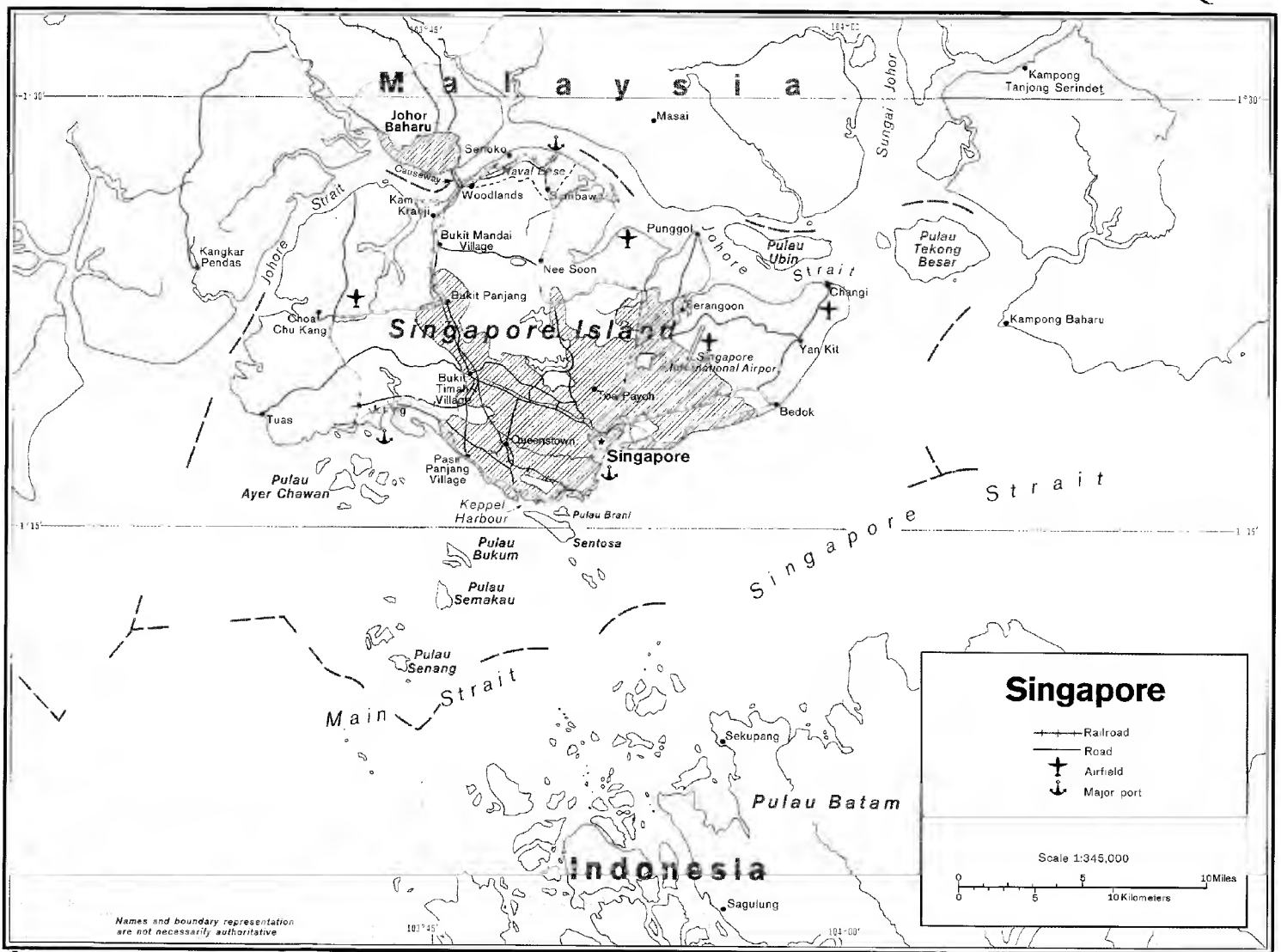
Bearing in mind its obligation to propose legal norms for the preservation of
the marine environment and the prevention of marine pollution;

1. Declares that no further nuclear weapons tests likely to contribute to the
contamination of the marine environment should be carried out;
2. Requests its Chairman to forward this resolution to the Secretary-General of
the United Nations for referral to the appropriate United Nations bodies,
including the Conference of the Committee on Disarmament.

*/ (A/8421, Annex V)

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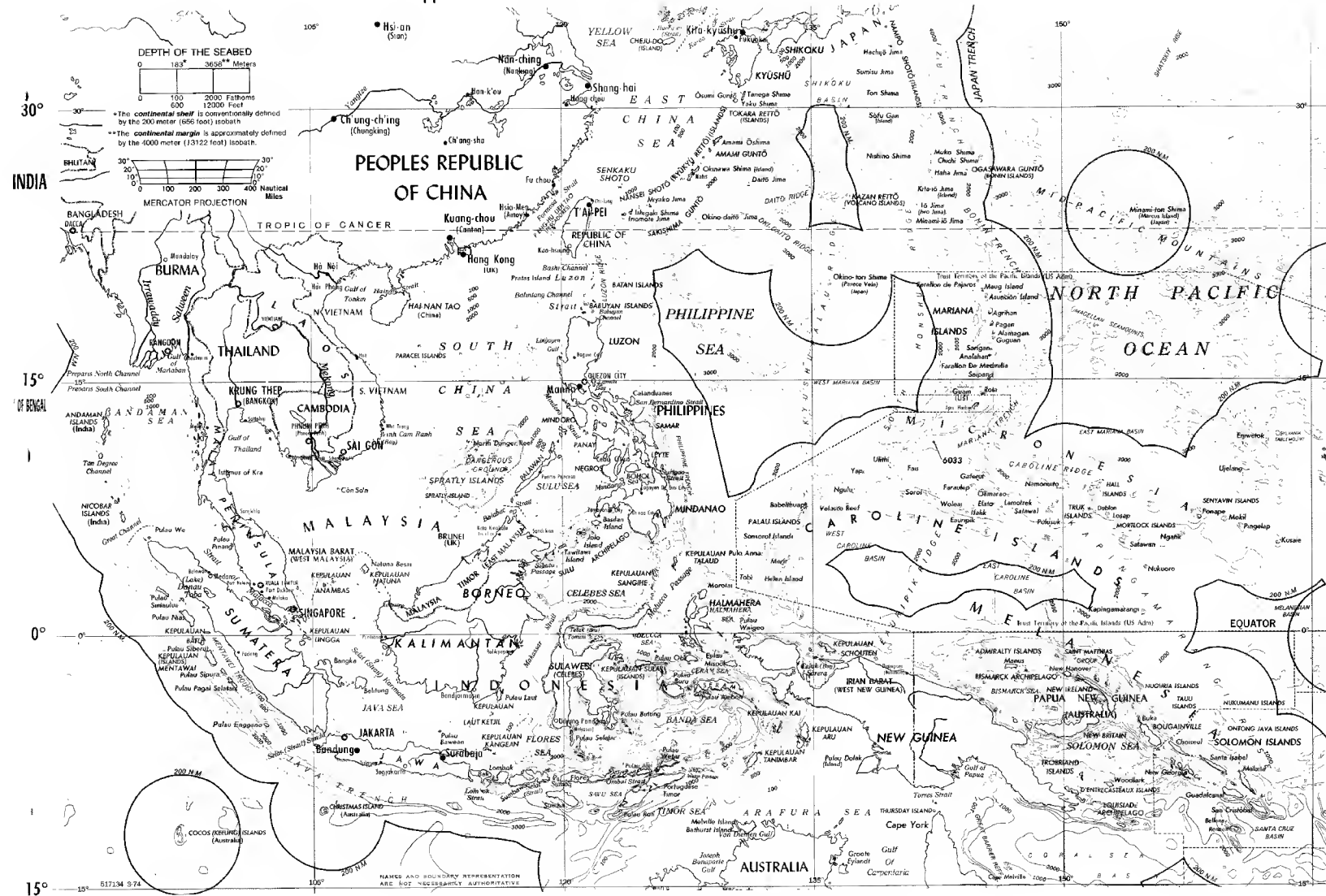
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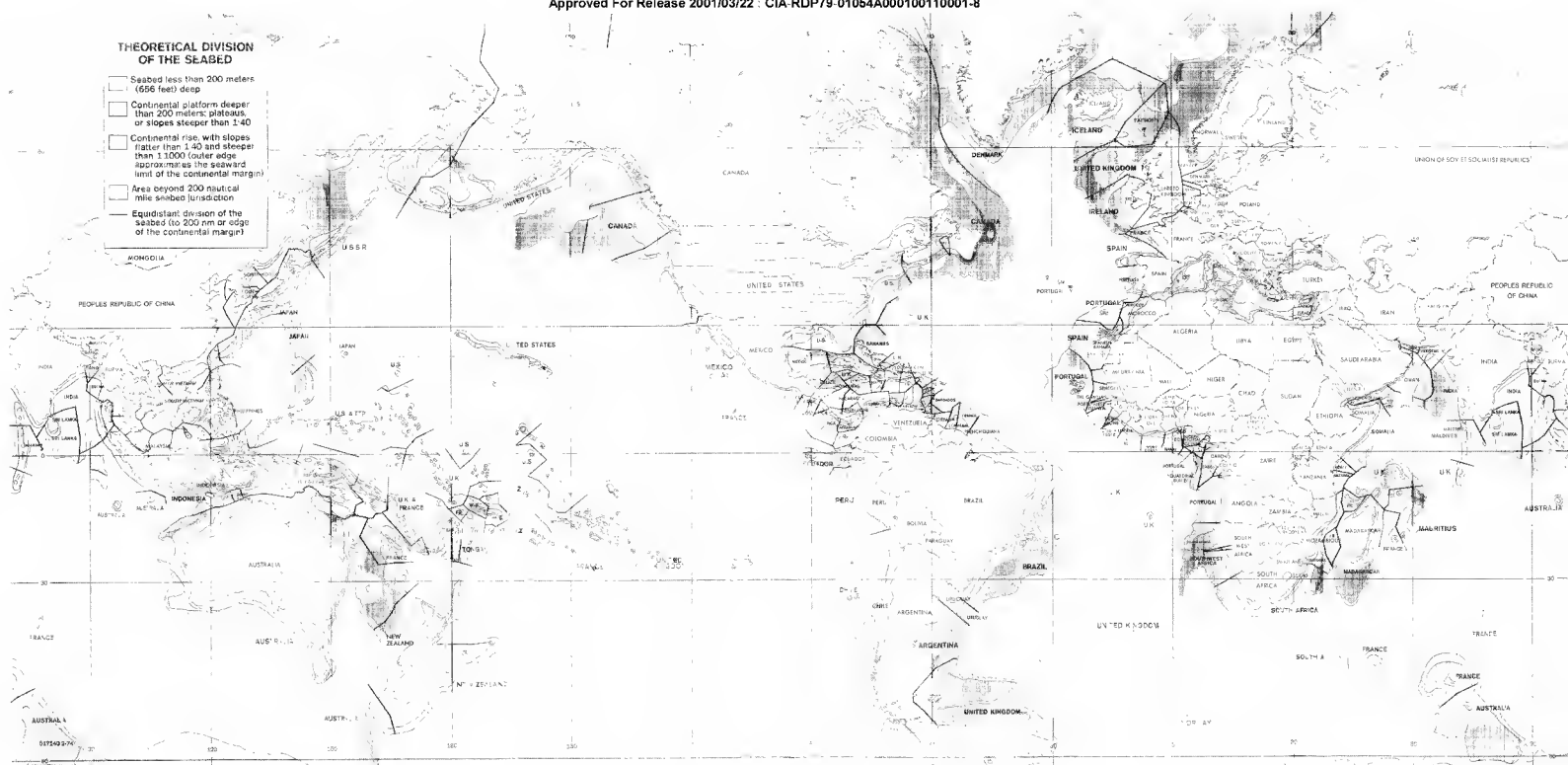


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